

SECOND REGULAR SESSION

SENATE BILL NO. 673

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN.

Pre-filed December 1, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

3308S.02I

AN ACT

To repeal sections 324.008 and 324.009, RSMo, and to enact in lieu thereof one new section relating to professional licensing reciprocity for nonresident military spouses.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 324.008 and 324.009, RSMo, are repealed and one new
2 section enacted in lieu thereof, to be known as section 324.009, to read as follows:

324.009. 1. For purposes of this section, the following terms mean:

2 (1) "License", a license, certificate, registration, permit, or accreditation
3 that enables a person to legally practice an occupation or profession in a
4 particular jurisdiction; except that "license" shall not include a certificate of
5 license to teach in public schools under section 168.021;

6 (2) "**Nonresident military spouse**", a **nonresident spouse of an**
7 **active duty member of the Armed Forces of the United States who has**
8 **been transferred or is scheduled to be transferred to the state of**
9 **Missouri, is domiciled in the state of Missouri, or has moved to the state**
10 **of Missouri on a permanent change-of-station basis;**

11 (3) "Oversight body", any board, department, agency, or office of a
12 jurisdiction that issues licenses; except, for the purposes of this section, oversight
13 body shall not include the state board of registration for the healing arts, the
14 state board of nursing, the board of pharmacy, the state committee of
15 psychologists, the Missouri dental board, the Missouri board for architects,
16 professional engineers, professional land surveyors and professional landscape
17 architects, the state board of optometry, or the Missouri veterinary medical board.

18 2. Any resident [of Missouri] or **nonresident military spouse**, who

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 holds a valid current license issued by another state, territory of the United
20 States, or the District of Columbia may submit an application for a license in
21 Missouri in the same occupation or profession for which he or she holds the
22 current license, along with **any required application fee and** proof of current
23 licensure in [the] **all other [jurisdiction] jurisdictions**, to the relevant oversight
24 body in this state.

25 3. The oversight body in this state shall, within six months, **except for**
26 **any nonresident military spouse, which shall be within ninety days**, of
27 receiving an application described in subsection 2 of this section, waive any
28 examination, educational, or experience requirements for licensure in this state
29 for the applicant if it determines that the licensing requirements in the
30 jurisdiction that issued the applicant's license are substantially similar to or more
31 stringent than the licensing requirements in Missouri for the same occupation or
32 profession.

33 4. The oversight body shall not waive any examination, educational, or
34 experience requirements for any applicant who is currently under disciplinary
35 action with an oversight body outside the state or who does not hold a valid
36 current license in the other jurisdiction on the date the oversight body receives
37 his or her application under this section.

38 5. The oversight body shall not waive any examination, educational, or
39 experience requirements for any applicant if it determines that waiving the
40 requirements for the applicant may endanger the public health, safety, or welfare.

41 6. Nothing in this section shall prohibit the oversight body from denying
42 a license to an applicant under this section for any reason described in any
43 section associated with the occupation or profession for which the applicant seeks
44 a license.

45 7. This section shall not be construed to waive any requirement for an
46 applicant to pay any fees, post any bonds or surety bonds, or submit proof of
47 insurance associated with the license the applicant seeks.

48 8. This section shall not apply to business, professional, or occupational
49 licenses issued or required by political subdivisions.

50 9. The provisions of this section shall not be construed to alter the
51 authority granted by, or any requirements promulgated pursuant to, **federal law**
52 **or regulations**, any interjurisdictional or interstate compacts adopted by
53 Missouri statute or any reciprocity agreements with other states [in effect on
54 August 28, 2018, and whenever possible this section shall be interpreted so as to

55 imply no conflict between it and any compact, or any reciprocity agreements with
56 other states in effect on August 28, 2018] **and should any conflict arise**
57 **between the provisions of this section and the provisions of any**
58 **interjurisdictional or interstate compact or reciprocity agreement, the**
59 **provisions of such compact or agreement shall prevail.**

60 **10. For the purposes of this section, nonresident military spouses**
61 **shall be eligible to apply for a license with any board, department,**
62 **agency, or office of a jurisdiction that issues licenses, including the**
63 **state board of registration for the healing arts, the state board of**
64 **nursing, the board of pharmacy, the state committee of psychologists,**
65 **the Missouri dental board, the Missouri board of architects,**
66 **professional engineers, professional land surveyors and professional**
67 **landscape architects, the state board of optometry, and the Missouri**
68 **veterinary medical board.**

69 **11. Any nonresident military spouse shall be granted a license by**
70 **an oversight body based on work or job experience in another state if**
71 **the following criteria are met:**

72 **(1) The applicant worked in a state that does not issue an**
73 **occupational license, but a license is required to practice such**
74 **occupation in this state;**

75 **(2) The applicant has worked at least three years in the**
76 **occupation; and**

77 **(3) The applicant meets all other requirements of this section.**

78 [324.008. 1. As used in this section, "nonresident military
79 spouse" means a nonresident spouse of an active duty member of
80 the Armed Forces of the United States who has been transferred or
81 is scheduled to be transferred to the state of Missouri, is domiciled
82 in the state of Missouri, or has moved to the state of Missouri on
83 a permanent change-of-station basis.

84 2. Except as provided in subsection 6 of this section and
85 notwithstanding any other provision of law, any agency of this
86 state or board established under state law for the regulation of
87 occupations and professions in this state shall, with respect to such
88 occupation or profession that it regulates, by rule establish criteria
89 for the issuance of a temporary courtesy license to a nonresident
90 spouse of an active duty member of the military who is transferred

91 to this state in the course of the member's military duty, so that,
92 on a temporary basis, the nonresident military spouse may lawfully
93 practice his or her occupation or profession in this state.

94 3. Notwithstanding provisions to the contrary, a
95 nonresident military spouse shall receive a temporary courtesy
96 license under subsection 2 of this section if, at the time of
97 application, the nonresident military spouse:

98 (1) Holds a current license or certificate in another state,
99 district, or territory of the United States with licensure
100 requirements that the appropriate regulatory board or agency
101 determines are equivalent to those established under Missouri law
102 for that occupation or profession;

103 (2) Was engaged in the active practice of the occupation or
104 profession for which the nonresident military spouse seeks a
105 temporary license or certificate in a state, district, or territory of
106 the United States for at least two of the five years immediately
107 preceding the date of application under this section;

108 (3) Has not committed an act in any jurisdiction that would
109 have constituted grounds for the refusal, suspension, or revocation
110 of a license or certificate to practice that occupation or profession
111 under Missouri law at the time the act was committed;

112 (4) Has not been disciplined by a licensing or credentialing
113 entity in another jurisdiction and is not the subject of an
114 unresolved complaint, review procedure, or disciplinary proceeding
115 conducted by a licensing or credentialing entity in another
116 jurisdiction;

117 (5) Authorizes the appropriate board or agency to conduct
118 a criminal background check and pay for any costs associated with
119 such background check;

120 (6) Pays any fees required by the appropriate board or
121 agency for that occupation or profession; and

122 (7) Complies with other requirements as provided by the
123 board.

124 4. Relevant full-time experience in the discharge of official
125 duties in the military service or an agency of the federal
126 government shall be credited in the counting of years of practice

127 under subdivision (2) of subsection 3 of this section.

128 5. A temporary courtesy license or certificate issued under
129 this section is valid for one hundred eighty days and may be
130 extended at the discretion of the applicable regulatory board or
131 agency for another one hundred eighty days on application of the
132 holder of the temporary courtesy license or certificate.

133 6. This section shall not apply to the practice of law or the
134 regulation of attorneys.

135 7. The appropriate board or agency shall promulgate rules
136 to implement the provisions of this section. Any rule or portion of
137 a rule, as that term is defined in section 536.010, that is created
138 under the authority delegated in this section shall become effective
139 only if it complies with and is subject to all of the provisions of
140 chapter 536 and, if applicable, section 536.028. This section and
141 chapter 536 are nonseverable and if any of the powers vested with
142 the general assembly under chapter 536 to review, to delay the
143 effective date, or to disapprove and annul a rule are subsequently
144 held unconstitutional, then the grant of rulemaking authority and
145 any rule proposed or adopted after August 28, 2011, shall be
146 invalid and
147 void.]

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